

SENATE MOTION

MADAM PRESIDENT:

I move that Senate Bill 512 be amended to read as follows:

1 Page 1, delete lines 1 through 15, begin a new paragraph and insert:
2 "SECTION 1. IC 3-10-1-19, AS AMENDED BY P.L.146-2008,
3 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2009]: Sec. 19. (a) The ballot for a primary election shall be
5 printed in substantially the following form for all the offices for which
6 candidates have qualified under IC 3-8:

7 OFFICIAL PRIMARY BALLOT

8 _____ Party
9 For paper ballots, print: To vote for a person, make a voting mark
10 (X or ✓) on or in the box before the person's name in the proper
11 column. For optical scan ballots, print: To vote for a person, darken or
12 shade in the circle, oval, or square (or draw a line to connect the arrow)
13 that precedes the person's name in the proper column. For optical scan
14 ballots that do not contain a candidate's name, print: To vote for a
15 person, darken or shade in the oval that precedes the number assigned
16 to the person's name in the proper column. For electronic voting
17 systems, print: To vote for a person, touch the screen (or press the
18 button) in the location indicated.

19 Vote for one (1) only
20 Representative in Congress

21 ☐ (1) AB _____
22 ☐ (2) CD _____
23 ☐ (3) EF _____
24 ☐ (4) GH _____

25 (b) The offices with candidates for nomination shall be placed on
26 the primary election ballot in the following order:

27 (1) Federal and state offices:
28 (A) President of the United States.
29 (B) United States Senator.
30 (C) Governor.
31 (D) United States Representative.

- 1 (2) Legislative offices:
- 2 (A) State senator.
- 3 (B) State representative.
- 4 (3) Circuit offices and county judicial offices:
- 5 (A) Judge of the circuit court, and unless otherwise specified
- 6 under IC 33, with each division separate if there is more than
- 7 one (1) judge of the circuit court.
- 8 (B) Judge of the superior court, and unless otherwise specified
- 9 under IC 33, with each division separate if there is more than
- 10 one (1) judge of the superior court.
- 11 (C) Judge of the probate court.
- 12 (D) Judge of the county court, with each division separate, as
- 13 required by IC 33-30-3-3.
- 14 (E) Prosecuting attorney.
- 15 (F) Circuit court clerk.
- 16 (4) County offices:
- 17 (A) County auditor.
- 18 (B) County recorder.
- 19 (C) County treasurer.
- 20 (D) County sheriff.
- 21 (E) County coroner.
- 22 (F) County surveyor.
- 23 (G) County assessor.
- 24 (H) County commissioner.
- 25 (I) County council member.
- 26 (5) Township offices:
- 27 (A) Township assessor (only in a township referred to in
- 28 IC 36-6-5-1(d)). **This clause does not apply to elections in**
- 29 **2012 and thereafter in a township in which the voters of**
- 30 **the township vote under IC 36-6-1.2 to eliminate township**
- 31 **government.**
- 32 (B) Township trustee. **This clause does not apply to elections**
- 33 **in 2012 and thereafter in a township in which the voters of**
- 34 **the township vote under IC 36-6-1.2 to eliminate township**
- 35 **government.**
- 36 (C) Township board member. **This clause does not apply to**
- 37 **elections in 2012 and thereafter in a township in which the**
- 38 **voters of the township vote under IC 36-6-1.2 to eliminate**
- 39 **township government.**
- 40 (D) Judge of the small claims court.
- 41 (E) Constable of the small claims court.
- 42 (6) City offices:
- 43 (A) Mayor.
- 44 (B) Clerk or clerk-treasurer.
- 45 (C) Judge of the city court.
- 46 (D) City-county council member or common council member.
- 47 (7) Town offices:

- 1 (A) Clerk-treasurer.
- 2 (B) Judge of the town court.
- 3 (C) Town council member.
- 4 (c) The political party offices with candidates for election shall be
- 5 placed on the primary election ballot in the following order after the
- 6 offices described in subsection (b):
- 7 (1) Precinct committeeman.
- 8 (2) State convention delegate.
- 9 (d) The following offices and public questions shall be placed on the
- 10 primary election ballot in the following order after the offices described
- 11 in subsection (c):
- 12 (1) School board offices to be elected at the primary election.
- 13 (2) Other local offices to be elected at the primary election.
- 14 (3) Local public questions.
- 15 (e) The offices and public questions described in subsection (d)
- 16 shall be placed:
- 17 (1) in a separate column on the ballot if voting is by paper ballot;
- 18 (2) after the offices described in subsection (c) in the form
- 19 specified in IC 3-11-13-11 if voting is by ballot card; or
- 20 (3) either:
- 21 (A) on a separate screen for each office or public question; or
- 22 (B) after the offices described in subsection (c) in the form
- 23 specified in IC 3-11-14-3.5;
- 24 if voting is by an electronic voting system.
- 25 (f) A public question shall be placed on the primary election ballot
- 26 in the following form:
- 27 (The explanatory text for the public question,
- 28 if required by law.)
- 29 "Shall (insert public question)?"
- 30 ☐ YES
- 31 ☐ NO
- 32 SECTION 1. IC 3-10-2-13, AS AMENDED BY P.L.146-2008,
- 33 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 34 JULY 1, 2009]: Sec. 13. (a) The following public officials shall be
- 35 elected at the general election before their terms of office expire and
- 36 every four (4) years thereafter:
- 37 (1) Clerk of the circuit court.
- 38 (2) County auditor.
- 39 (3) County recorder.
- 40 (4) County treasurer.
- 41 (5) County sheriff.
- 42 (6) County coroner.
- 43 (7) County surveyor.
- 44 (8) County assessor.
- 45 (9) County commissioner.
- 46 (10) County council member.
- 47 (11) Township trustee. **This subdivision does not apply to**

elections in 2012 and thereafter in a township in which the voters of the township vote under IC 36-6-1.2 to eliminate township government.

(12) Township board member. **This subdivision does not apply to elections in 2012 and thereafter in a township in which the voters of the township vote under IC 36-6-1.2 to eliminate township government.**

(13) Township assessor (only in a township referred to in IC 36-6-5-1(d)). **This subdivision does not apply to elections in 2012 and thereafter in a township in which the voters of the township vote under IC 36-6-1.2 to eliminate township government.**

(14) Judge of a small claims court.

(15) Constable of a small claims court.

(b) Notwithstanding subsection (a), an individual elected to any of the following offices at the general election in 2010 shall serve a two (2) year term if the voters of the township vote under IC 36-6-1.2 to eliminate township government:

(1) Township assessor (if any).

(2) Township trustee.

(3) Township board member.

This subsection expires January 1, 2015.

SECTION 2. IC 3-11-2-12, AS AMENDED BY P.L.146-2008, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 12. The following offices shall be placed on the general election ballot in the following order:

(1) Federal and state offices:

(A) President and Vice President of the United States.

(B) United States Senator.

(C) Governor and lieutenant governor.

(D) Secretary of state.

(E) Auditor of state.

(F) Treasurer of state.

(G) Attorney general.

(H) Superintendent of public instruction.

(I) United States Representative.

(2) Legislative offices:

(A) State senator.

(B) State representative.

(3) Circuit offices and county judicial offices:

(A) Judge of the circuit court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the circuit court.

(B) Judge of the superior court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the superior court.

(C) Judge of the probate court.

- 1 (D) Judge of the county court, with each division separate, as
- 2 required by IC 33-30-3-3.
- 3 (E) Prosecuting attorney.
- 4 (F) Clerk of the circuit court.
- 5 (4) County offices:
- 6 (A) County auditor.
- 7 (B) County recorder.
- 8 (C) County treasurer.
- 9 (D) County sheriff.
- 10 (E) County coroner.
- 11 (F) County surveyor.
- 12 (G) County assessor.
- 13 (H) County commissioner.
- 14 (I) County council member.
- 15 (5) Township offices:
- 16 (A) Township assessor (only in a township referred to in
- 17 IC 36-6-5-1(d)). **This clause does not apply to elections in**
- 18 **2012 and thereafter in a township in which the voters of**
- 19 **the township vote under IC 36-6-1.2 to eliminate township**
- 20 **government.**
- 21 (B) Township trustee. **This clause does not apply to elections**
- 22 **in 2012 and thereafter in a township in which the voters of**
- 23 **the township vote under IC 36-6-1.2 to eliminate township**
- 24 **government.**
- 25 (C) Township board member. **This clause does not apply to**
- 26 **elections in 2012 and thereafter in a township in which the**
- 27 **voters of the township vote under IC 36-6-1.2 to eliminate**
- 28 **township government.**
- 29 (D) Judge of the small claims court.
- 30 (E) Constable of the small claims court.
- 31 (6) City offices:
- 32 (A) Mayor.
- 33 (B) Clerk or clerk-treasurer.
- 34 (C) Judge of the city court.
- 35 (D) City-county council member or common council member.
- 36 (7) Town offices:
- 37 (A) Clerk-treasurer.
- 38 (B) Judge of the town court.
- 39 (C) Town council member.
- 40 SECTION 3. IC 6-1.1-17-3, AS AMENDED BY P.L.146-2008,
- 41 SECTION 147, IS AMENDED TO READ AS FOLLOWS
- 42 [EFFECTIVE JULY 1, 2009]: Sec. 3. (a) The proper officers of a
- 43 political subdivision shall formulate its estimated budget and its
- 44 proposed tax rate and tax levy on the form prescribed by the
- 45 department of local government finance and approved by the state
- 46 board of accounts. The political subdivision shall give notice by
- 47 publication to taxpayers of:

- (1) the estimated budget;
- (2) the estimated maximum permissible levy;
- (3) the current and proposed tax levies of each fund; and
- (4) the amounts of excessive levy appeals to be requested.

In the notice, the political subdivision shall also state the time and place at which a public hearing will be held on these items. The notice shall be published twice in accordance with IC 5-3-1 with the first publication at least ten (10) days before the date fixed for the public hearing. Beginning in 2009, the duties required by this subsection must be completed before August 10 of the calendar year. A political subdivision shall provide the estimated budget and levy information required for the notice under subsection (b) to the county auditor on the schedule determined by the department of local government finance.

(b) Beginning in 2010, before October 1 of a calendar year, the county auditor shall mail to the last known address of each person liable for any property taxes, as shown on the tax duplicate, or to the last known address of the most recent owner shown in the transfer book, a statement that includes:

(1) the assessed valuation as of the assessment date in the current calendar year of tangible property on which the person will be liable for property taxes first due and payable in the immediately succeeding calendar year and notice to the person of the opportunity to appeal the assessed valuation under IC 6-1.1-15-1(c) (before July 1, 2008) or IC 6-1.1-15-1 (after June 30, 2008);

(2) the amount of property taxes for which the person will be liable to each political subdivision on the tangible property for taxes first due and payable in the immediately succeeding calendar year, taking into account all factors that affect that liability, including:

(A) the estimated budget and proposed tax rate and tax levy formulated by the political subdivision under subsection (a);

(B) any deductions or exemptions that apply to the assessed valuation of the tangible property;

(C) any credits that apply in the determination of the tax liability; and

(D) the county auditor's best estimate of the effects on the tax liability that might result from actions of:

(i) the county board of tax adjustment; or

(ii) the department of local government finance;

(3) a prominently displayed notation that:

(A) the estimate under subdivision (2) is based on the best information available at the time the statement is mailed; and

(B) based on various factors, including potential actions by:

(i) the county board of tax adjustment; or

(ii) the department of local government finance;

it is possible that the tax liability as finally determined will

- 1 differ substantially from the estimate;
- 2 (4) comparative information showing the amount of property
- 3 taxes for which the person is liable to each political subdivision
- 4 on the tangible property for taxes first due and payable in the
- 5 current year; and
- 6 (5) the date, time, and place at which the political subdivision will
- 7 hold a public hearing on the political subdivision's estimated
- 8 budget and proposed tax rate and tax levy as required under
- 9 subsection (a).
- 10 (c) The department of local government finance shall:
- 11 (1) prescribe a form for; and
- 12 (2) provide assistance to county auditors in preparing;
- 13 statements under subsection (b). Mailing the statement described in
- 14 subsection (b) to a mortgagee maintaining an escrow account for a
- 15 person who is liable for any property taxes shall not be construed as
- 16 compliance with subsection (b).
- 17 (d) The board of directors of a solid waste management district
- 18 established under IC 13-21 or IC 13-9.5-2 (before its repeal) may
- 19 conduct the public hearing required under subsection (a):
- 20 (1) in any county of the solid waste management district; and
- 21 (2) in accordance with the annual notice of meetings published
- 22 under IC 13-21-5-2.
- 23 (e) The trustee of each township in the county shall estimate the
- 24 amount necessary to meet the cost of township assistance in the
- 25 township for the ensuing calendar year. The township board shall adopt
- 26 with the township budget a tax rate sufficient to meet the estimated cost
- 27 of township assistance. The taxes collected as a result of the tax rate
- 28 adopted under this subsection are credited to the township assistance
- 29 fund.
- 30 ~~(f) This subsection expires January 1, 2009. A county shall adopt~~
- 31 ~~with the county budget and the department of local government finance~~
- 32 ~~shall certify under section 16 of this chapter a tax rate sufficient to raise~~
- 33 ~~the levy necessary to pay the following:~~
- 34 ~~(1) The cost of child services (as defined in IC 12-19-7-1) of the~~
- 35 ~~county payable from the family and children's fund.~~
- 36 ~~(2) The cost of children's psychiatric residential treatment~~
- 37 ~~services (as defined in IC 12-19-7.5-1) of the county payable from~~
- 38 ~~the children's psychiatric residential treatment services fund.~~
- 39 ~~A budget, tax rate, or tax levy adopted by a county fiscal body or~~
- 40 ~~approved or modified by a county board of tax adjustment that is less~~
- 41 ~~than the levy necessary to pay the costs described in subdivision (1) or~~
- 42 ~~(2) shall not be treated as a final budget, tax rate, or tax levy under~~
- 43 ~~section 11 of this chapter.~~
- 44 **(f) This subsection applies to budgets for calendar years after**
- 45 **2012 and to taxes first due and payable after 2012 in a township in**
- 46 **which the voters have voted under IC 36-6-1.2 to eliminate**
- 47 **township government. In 2012 and each year thereafter, the county**

1 shall estimate the amount necessary to meet the cost of township
 2 assistance in that township for the ensuing calendar year, and the
 3 county legislative body shall adopt with the county budget a tax
 4 rate uniform throughout that township sufficient to meet the
 5 estimated cost of township assistance. The taxes collected as a
 6 result of the tax rate adopted under this subsection shall be
 7 credited to the county assistance fund established under
 8 IC 12-20-1-6.

9 SECTION 4. IC 6-1.1-18.5-22 IS ADDED TO THE INDIANA
 10 CODE AS A NEW SECTION TO READ AS FOLLOWS
 11 [EFFECTIVE JULY 1, 2009]: Sec. 22. This section applies only to a
 12 county in which the voters have voted under IC 36-6-1.2 to
 13 eliminate township government in one (1) or more townships. The
 14 ad valorem property tax levy limits imposed by this chapter do not
 15 apply to ad valorem property taxes imposed by a county to pay or
 16 fund any indebtedness assumed, defeased, paid, or refunded under
 17 IC 36-6-1.1 after December 31, 2012.

18 SECTION 5. IC 12-20-1-5 IS ADDED TO THE INDIANA CODE
 19 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 20 1, 2009]: Sec. 5. (a) This section applies only to a township in which
 21 the voters have voted under IC 36-6-1.2 to eliminate township
 22 government.

23 (b) Effective January 1, 2013, the county executive shall
 24 administer township assistance in that township.

25 (c) The following apply to the provision of township assistance
 26 by the county executive:

27 (1) A suit or proceeding in favor of or against the county
 28 executive concerning township assistance shall be conducted
 29 in favor of or against the county in the county's corporate
 30 name.

31 (2) The county executive is entitled to the same protections
 32 and immunities as are afforded to a township trustee under
 33 IC 12-20-3.

34 (3) The county executive has the same powers in the
 35 administration of township assistance in the county as a
 36 township trustee has in the administration of township
 37 assistance in a county under IC 12-20-4, IC 12-20-5,
 38 IC 12-20-15, IC 12-20-16, IC 12-20-17, IC 12-20-18, and
 39 IC 12-20-19.

40 (4) The same standards and requirements that apply to or
 41 may be imposed upon recipients of and applicants for
 42 township assistance under IC 12-20-6, IC 12-20-7, IC 12-20-8,
 43 IC 12-20-9, IC 12-20-10, IC 12-20-11, IC 12-20-12, and
 44 IC 12-20-13 apply to or may be imposed upon recipients of
 45 and applicants for township assistance administered by the
 46 county executive.

47 (5) The county executive may assert a claim against the estate

of an individual who received township assistance from the county to the same extent as a township trustee may assert a claim under IC 12-20-27 against the estate of an individual who received township assistance from a township.

(6) The county executive is subject to the same reporting requirements with respect to township assistance administered in the county to which a township trustee is subject under IC 12-20-28 with respect to township assistance administered in the township.

(7) The county executive shall propose uniform standards for the issuance of township assistance throughout the township and the processing of applications for township assistance that meet the requirements of IC 12-20-5.5. The standards must be approved by the county legislative body before the standards are effective.

(8) State and local agencies shall provide the county executive with the information provided to a township trustee under IC 12-20-7. The county executive or an employee of the county is subject to the criminal penalty set forth in IC 12-20-7-6 for disclosure of information.

(9) An applicant for township assistance and the county executive may appeal a decision regarding township assistance to a circuit or superior court in the same manner that an appeal is taken under IC 12-20-15-8.

(d) Any application for township assistance for which the township has not entered a final decision regarding the granting or denial of township assistance by the close of business on December 31, 2012, shall be treated as a new application filed with the county on January 1, 2013, and the applicant is not required to refile the application with the county. The county executive shall make a decision on the application in accordance with the uniform standards adopted under subsection (c)(7).

(e) Any application for township assistance that has been granted before January 1, 2013, but for which assistance has not been disbursed by the township, shall be disbursed and administered by the county executive in accordance with the township's grant of township assistance.

SECTION 6. IC 12-20-1-6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 6. (a) This section applies only if the voters in a county have voted under IC 36-6-1.2 to eliminate township government in one (1) or more townships.

(b) The county shall establish a county assistance fund.

(c) The fund shall be raised by a tax levy that:

- (1) is in addition to all other tax levies authorized; and
- (2) subject to IC 36-2-22, shall be levied annually by the county fiscal body on all taxable property in the township in which township government has been eliminated in the

1 amount necessary to pay the items, awards, claims,
 2 allowances, assistance, and other expenses set forth in the
 3 annual township assistance budget established by the county.

4 **(d) The tax imposed under this section shall be collected as other**
 5 **state and county ad valorem taxes are collected.**

6 **(e) The following shall be paid into the fund:**

7 **(1) All receipts from the tax imposed under this section.**

8 **(2) Any other money required by law to be placed in the fund.**

9 **(f) The fund is available to pay expenses and obligations set**
 10 **forth in the annual budget.**

11 **(g) Money in the fund at the end of a budget year does not**
 12 **revert to the county general fund.**

13 SECTION 7. IC 15-16-8-0.5 IS ADDED TO THE INDIANA CODE
 14 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 15 1, 2009]: **Sec. 0.5. After December 31, 2012, the powers and duties**
 16 **established by this chapter are conferred and imposed:**

17 **(1) in a township in which the voters have voted under**
 18 **IC 36-6-1.2 to eliminate township government, on the county**
 19 **executive with respect to property in the county; and**

20 **(2) in all other counties, on the township trustee with respect**
 21 **to property in the township.**

22 SECTION 8. IC 16-31-5-1 IS AMENDED TO READ AS
 23 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. **(a) After December**
 24 **31, 2012, this section, to the extent it applies to townships, applies**
 25 **only to a township in which the voters have not voted under**
 26 **IC 36-6-1.2 to eliminate township government.**

27 **(b) The governing body of a city, town, township, or county by the**
 28 **governing body's action or in any combination may do the following:**

29 **(1) Establish, operate, and maintain emergency medical services.**

30 **(2) Levy taxes under and limited by IC 6-3.5 and expend**
 31 **appropriated funds of the political subdivision to pay the costs**
 32 **and expenses of establishing, operating, maintaining, or**
 33 **contracting for emergency medical services.**

34 **(3) Except as provided in section 2 of this chapter, authorize,**
 35 **franchise, or contract for emergency medical services. However:**

36 **(A) a county may not provide, authorize, or contract for**
 37 **emergency medical services within the limits of any city**
 38 **without the consent of the city; and**

39 **(B) a city or town may not provide, authorize, franchise, or**
 40 **contract for emergency medical services outside the limits of**
 41 **the city or town without the approval of the governing body of**
 42 **the area to be served.**

43 **(4) Apply for, receive, and accept gifts, bequests, grants-in-aid,**
 44 **state, federal, and local aid, and other forms of financial**
 45 **assistance for the support of emergency medical services.**

46 **(5) Establish and provide for the collection of reasonable fees for**
 47 **emergency ambulance services the governing body provides**

1 under this chapter.

2 (6) Pay the fees or dues for individual or group membership in
 3 any regularly organized volunteer emergency medical services
 4 association on their own behalf or on behalf of the emergency
 5 medical services personnel serving that unit of government.

6 SECTION 9. IC 23-14-30.5 IS ADDED TO THE INDIANA CODE
 7 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 8 JULY 1, 2009]:

9 **Chapter 30.5. Transfer of Powers and Duties to the County**

10 **Sec. 1. After December 31, 2012, all powers and duties of a**
 11 **township under this article are transferred to the county executive**
 12 **if the voters of the township have voted under IC 36-6-1.2 to**
 13 **eliminate township government.**

14 SECTION 10. IC 32-26-4-2 IS AMENDED TO READ AS
 15 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. (a) The trustee of
 16 each township, the county highway superintendent, the Indiana
 17 department of transportation, or other officer in control of the
 18 maintenance of a highway shall between January 1 and April 1 of each
 19 year, examine all hedges, live fences, natural growths along highways,
 20 and other obstructions described in section 1 of this chapter in their
 21 respective jurisdictions. **However, after December 31, 2012, the**
 22 **duties and obligations of a township trustee under this chapter are**
 23 **the responsibility of the county executive if the voters of the**
 24 **township have voted under IC 36-6-1.2 to eliminate township**
 25 **government.** If there are hedges, live fences, other growths, or
 26 obstructions along the highways that have not been cut, trimmed down,
 27 and maintained in accordance with this chapter, the owner shall be
 28 given written notice to cut or trim the hedge or live fence and to burn
 29 the brush trimmed from the hedge or live fence and remove any other
 30 obstructions or growths.

31 (b) The notice required under subsection (a) must be served by
 32 reading the notice to the owner or by leaving a copy of the notice at the
 33 owner's usual place of residence.

34 (c) If the owner is not a resident of the township, county, or state
 35 where the hedge, live fence, or other obstructions or growth is located,
 36 the notice shall be served upon the owner's agent or tenant residing in
 37 the township. If an agent or a tenant of the owner does not reside in the
 38 township, the notice shall be served by mailing a copy of the notice to
 39 the owner, directed to the owner's last known post office address.

40 (d) If the owner, agents, or tenants do not proceed to cut and trim
 41 the fences and burn the brush trimmed from the fences or remove any
 42 obstructions or growths within ten (10) days after notice is served, the
 43 township trustee, county highway superintendent, or Indiana
 44 department of transportation shall immediately:

- 45 (1) cause the fences to be cut and trimmed or obstructions or
- 46 growths removed in accordance with this chapter; and
- 47 (2) burn the brush trimmed from the fences.

All expenses incurred under this subsection shall be assessed against and become a lien upon the land in the same manner as road taxes.

(e) The:

(1) township trustee;

(2) county highway superintendent; ~~or~~

(3) Indiana department of transportation; **or**

(4) (after December 31, 2012) county executive of a county in the case of a township in which the voters have voted under IC 36-6-1.2 to eliminate township government;

having charge of the work performed under subsection (d) shall prepare an itemized statement of the total cost of the work of removing the obstructions or growths and shall sign and certify the statement to the county auditor of the county in which the land is located. The county auditor shall place the statement on the tax duplicates. The county treasurer shall collect the costs entered on the duplicates at the same time and in the same manner as road taxes are collected. The treasurer may not issue a receipt for road taxes unless the costs entered on the duplicates are paid in full at the same time the road taxes are paid. If the costs are not paid when due, the costs shall become delinquent, bear the same interest, be subject to the same penalties, and be collected at the same time and in the same manner as other unpaid and delinquent taxes.

SECTION 11. IC 32-26-9-0.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 0.6. After December 31, 2012, all powers and duties of a township under this chapter are transferred to the county executive if the voters of the township have voted under IC 36-6-1.2 to eliminate township government.**

SECTION 12. IC 36-6-1.1 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]:

Chapter 1.1. Dissolution of Township Governments

Sec. 1. This chapter applies only to a township in which the voters have voted under IC 36-6-1.2 to eliminate township government.

Sec. 2. Effective January 1, 2013, the township government of a township subject to this chapter is abolished, and the duties and powers of the township government are transferred under section 3 of this chapter. The township retains its geographical boundaries and its name.

Sec. 3. The following occur on January 1, 2013, in a township subject to this chapter:

(1) The office of township trustee is abolished.

(2) The township board is abolished.

(3) The functions, duties, and responsibilities of the township trustee are transferred to the county executive, unless otherwise expressly provided by statute.

(4) The functions, duties, and responsibilities of the township board are transferred to the county council, unless otherwise expressly provided by statute.

Sec. 4. (a) On January 1, 2013, all:

- (1) assets;
- (2) debts;
- (3) property rights;
- (4) equipment;
- (5) records;
- (6) personnel (except otherwise provided for by statute); and
- (7) contracts;

connected with the operations of a township subject to this chapter are transferred to the county.

(b) If, as of December 31, 2012, the township has a local board for the 1937 firefighters' pension fund or the 1977 police officers' and firefighters' pension and disability fund, that local board is dissolved on January 1, 2013, and the powers, duties, and responsibilities of the local board under IC 36-8-7 or IC 36-8-8, respectively, are assumed by the county's local board for the 1937 firefighters' pension fund and local board for the 1977 police officers' and firefighters' pension and disability fund, respectively. Notwithstanding any other provision, the legislative body of the county may adopt an ordinance to adjust the membership of the county's local board to reflect the dissolution of the township's local board.

Sec. 5. (a) The balance on January 1, 2013, in a debt service fund of a township subject to this chapter:

- (1) is transferred to the county in which the township is located; and
- (2) shall be used by the county to pay indebtedness or lease rentals for which the fund was established.

(b) Any balance remaining in the fund after all payments for indebtedness or lease rentals required under this section have been made is transferred to the county general fund.

Sec. 6. On January 1, 2013, the balance in the general fund of a township subject to this chapter is transferred to the county.

Sec. 7. In a township subject to this chapter, the balance in the township assistance fund attributable to the duties of the township trustee on January 1, 2013:

- (1) is transferred to the county; and
- (2) shall be deposited in the county assistance fund established under IC 12-20-1-6.

Sec. 8. (a) In a township subject to this chapter, the balance on January 1, 2013, in the township's cumulative building and equipment fund established under IC 36-8-14-2 for fire protection and related services:

- (1) is transferred to the county in which the township is located; and

(2) shall be used by the county to pay any indebtedness or lease rentals related to fire protection services due after December 31, 2012.

(b) Any balance remaining in the fund after all payments for indebtedness or lease rentals required under this section have been made is transferred to a county cumulative building and equipment fund.

Sec. 9. (a) Effective January 1, 2013, the county shall assume, defease, pay, or refund all indebtedness of a township subject to this chapter. The county may levy property taxes to pay township indebtedness or lease rental obligations incurred by a township only in the geographic area of the township that originally issued the debt or entered into the lease rental agreement. The former territory of the township comprises a taxing district for the payment of township indebtedness existing at the time of the abolition or alteration.

(b) Notwithstanding any other law, to assume, defease, pay, or refund all or a part of the indebtedness or lease rental obligations described in subsection (a), the county is not required to comply with any other statutory procedures or approvals that apply when a unit incurs indebtedness or lease rental obligations.

(c) The rights of the trustee and the bondholders with respect to any:

(1) indebtedness described in subsection (a); or

(2) bond resolution, trust agreement or indenture, security agreement, purchase agreement, or other undertaking with respect to indebtedness described in subsection (a);

remain the same, although the powers, duties, agreements, and liabilities of the townships have been transferred to the county, and the county shall be considered to have assumed all those powers, duties, agreements, and liabilities.

Sec. 10. Beginning January 1, 2013, notwithstanding any other law to the contrary, the monthly distributive share for a township subject to this chapter of any county option income taxes is reduced to zero (0), and those county option income taxes shall instead be distributed as additional distributive shares to the county.

Sec. 11. The department of local government finance shall adjust the county's maximum permissible property tax levy for taxes first due and payable in 2013 to take into account the transfer of powers and duties under this chapter.

SECTION 13. IC 36-6-1.2 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]:

Chapter 1.2. Public Question on the Dissolution of Township Governments

Sec. 1. This chapter applies to all townships.

Sec. 2. (a) A public question under this chapter shall be placed

1 on the ballot at the 2010 general election in each township.

2 (b) The public question must be:

3 "Shall township government in _____ (insert name)
4 County be retained?

5 () Yes.

6 () No."

7 Sec. 3. IC 3, except where inconsistent with this chapter, applies
8 to a public question placed on the ballot under this chapter.

9 Sec. 4. A political subdivision may not do any of the following
10 concerning a public question under this chapter:

11 (1) Allow facilities or equipment, including mail and
12 messaging systems, owned by the political subdivision to be
13 used for public relations purposes to promote a position on
14 the public question under this chapter.

15 (2) Make an expenditure of money from a fund controlled by
16 the political subdivision to promote a position on the public
17 question under this chapter.

18 (3) Use an employee to promote a position on the public
19 question under this chapter during the employee's normal
20 working hours or paid overtime, or otherwise compel an
21 employee to promote a position on the public question under
22 this chapter at any time.

23 Sec. 5. (a) If a majority of the voters who vote on the public
24 question at the 2010 general election in a particular township vote
25 in favor of retaining township government, township government
26 in that township is not abolished and IC 36-6-1.1 does not apply to
27 that township.

28 (b) If a majority of the voters who vote on the public question at
29 the 2010 general election in a particular township do not vote in
30 favor of retaining township government, the township government
31 in that township is abolished effective January 1, 2013, as provided
32 in IC 36-6-1.1, and the powers and duties of township government
33 in that township are transferred to the county.

34 SECTION 14. IC 36-8-7-1, AS AMENDED BY P.L.227-2005,
35 SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
36 JULY 1, 2009]: Sec. 1. (a) This chapter applies to pension benefits for
37 members of fire departments hired before May 1, 1977, in units for
38 which a 1937 fund was established before May 1, 1977.

39 (b) A firefighter with twenty (20) years of service is covered by this
40 chapter and not by IC 36-8-8 if the firefighter:

41 (1) was hired before May 1, 1977;

42 (2) did not convert under IC 19-1-36.5-7 (repealed September 1,
43 1981); and

44 (3) is rehired after April 30, 1977, by the same employer.

45 (c) A firefighter is covered by this chapter and not by IC 36-8-8 if
46 the firefighter:

47 (1) was hired before May 1, 1977;

(2) did not convert under IC 19-1-36.5-7 (repealed September 1, 1981);

(3) was rehired after April 30, 1977, but before February 1, 1979; and

(4) was made, before February 1, 1979, a member of a 1937 fund.

(d) A firefighter who:

(1) is covered by this chapter before a consolidation under IC 36-3-1-6.1; and

(2) becomes a member of a fire department of a consolidated city under IC 36-3-1-6.1;

is covered by this chapter after the effective date of the consolidation, and the firefighter's service as a member of a fire department of a consolidated city is considered active service under this chapter.

(e) A firefighter who:

(1) as of December 31, 2012, is a member of the 1937 fund as a firefighter with a township fire department district within a county; and

(2) after the dissolution of township government under IC 36-6-1.1 becomes a member of a county fire department; is covered by this chapter after the firefighter becomes a member of the county fire department, and the firefighter's service as a member of a township fire department that was covered under this chapter before January 1, 2013, is considered active service under this chapter.

SECTION 15. IC 36-8-8-1, AS AMENDED BY P.L.227-2005, SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. This chapter applies to:

(1) full-time police officers hired or rehired after April 30, 1977, in all municipalities, or who converted their benefits under IC 19-1-17.8-7 (repealed September 1, 1981);

(2) full-time fully paid firefighters hired or rehired after April 30, 1977, or who converted their benefits under IC 19-1-36.5-7 (repealed September 1, 1981);

(3) a police matron hired or rehired after April 30, 1977, and before July 1, 1996, who is a member of a police department in a second or third class city on March 31, 1996;

(4) a park ranger who:

(A) completed at least the number of weeks of training at the Indiana law enforcement academy or a comparable law enforcement academy in another state that were required at the time the park ranger attended the Indiana law enforcement academy or the law enforcement academy in another state;

(B) graduated from the Indiana law enforcement academy or a comparable law enforcement academy in another state; and

(C) is employed by the parks department of a city having a population of more than one hundred twenty thousand (120,000) but less than one hundred fifty thousand (150,000);

(5) a full-time fully paid firefighter who is covered by this chapter before the effective date of consolidation and becomes a member of the fire department of a consolidated city under IC 36-3-1-6.1, provided that the firefighter's service as a member of the fire department of a consolidated city is considered active service under this chapter;

(6) except as otherwise provided, a full-time fully paid firefighter who is hired or rehired after the effective date of the consolidation by a consolidated fire department established under IC 36-3-1-6.1;

(7) a full-time police officer who is covered by this chapter before the effective date of consolidation and becomes a member of the consolidated law enforcement department as part of the consolidation under IC 36-3-1-5.1, provided that the officer's service as a member of the consolidated law enforcement department is considered active service under this chapter; ~~and~~

(8) except as otherwise provided, a full-time police officer who is hired or rehired after the effective date of the consolidation by a consolidated law enforcement department established under IC 36-3-1-5.1; ~~and~~

(9) a full-time, fully paid firefighter who:

(A) as of December 31, 2012, is a member of the 1977 fund as a firefighter with a township fire department within a county; and

(B) after the dissolution of township government under IC 36-6-1.1 becomes a member of the county fire department;

except as provided by section 7 of this chapter.

SECTION 16. IC 36-8-8-2.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2.1. (a) As used in this chapter, "local board" means the following:

(1) For a unit that established a 1925 fund for its police officers, the local board described in IC 36-8-6-2.

(2) **Except as provided in subdivision (3),** for a unit that established a 1937 fund for its firefighters, the local board described in IC 36-8-7-3.

(3) This subdivision applies only to a township in which the voters have voted under IC 36-6-1.2 to eliminate township government. If a township subject to this subdivision had established a 1937 fund for its firefighters before December 31, 2012, "local board" after December 31, 2012, means the local board of the county.

~~(4)~~ (4) For a consolidated city that established a 1953 fund for its police officers, the local board described in IC 36-8-7.5-2.

~~(5)~~ (5) For a unit, other than a consolidated city, that did not establish a 1925 fund for its police officers or a 1937 fund for its firefighters, the local board described in subsection (b) or (c).

(b) If a unit did not establish a 1925 fund for its police officers, a local board shall be composed in the same manner described in IC 36-8-6-2(b). However, if there is not a retired member of the department, no one shall be appointed to that position until such time as there is a retired member.

(c) If a unit did not establish a 1937 fund for its firefighters, a local board shall be composed in the same manner described in IC 36-8-7-3(b). However, if there is not a retired member of the department, no one shall be appointed to that position until such time as there is a retired member.

SECTION 17. IC 36-8-8-7, AS AMENDED BY P.L.1-2006, SECTION 575, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 7. (a) Except as provided in subsections (d), (e), (f), (g), (h), (k), (l), ~~and~~ (m), **and (n)**:

(1) a police officer; or

(2) a firefighter;

who is less than thirty-six (36) years of age and who passes the baseline statewide physical and mental examinations required under section 19 of this chapter shall be a member of the 1977 fund and is not a member of the 1925 fund, the 1937 fund, or the 1953 fund.

(b) A police officer or firefighter with service before May 1, 1977, who is hired or rehired after April 30, 1977, may receive credit under this chapter for service as a police officer or firefighter prior to entry into the 1977 fund if the employer who rehires the police officer or firefighter chooses to contribute to the 1977 fund the amount necessary to amortize the police officer's or firefighter's prior service liability over a period of not more than forty (40) years, the amount and the period to be determined by the PERF board. If the employer chooses to make the contributions, the police officer or firefighter is entitled to receive credit for the police officer's or firefighter's prior years of service without making contributions to the 1977 fund for that prior service. In no event may a police officer or firefighter receive credit for prior years of service if the police officer or firefighter is receiving a benefit or is entitled to receive a benefit in the future from any other public pension plan with respect to the prior years of service.

(c) Except as provided in section 18 of this chapter, a police officer or firefighter is entitled to credit for all years of service after April 30, 1977, with the police or fire department of an employer covered by this chapter.

(d) A police officer or firefighter with twenty (20) years of service does not become a member of the 1977 fund and is not covered by this chapter, if the police officer or firefighter:

(1) was hired before May 1, 1977;

(2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both of which were repealed September 1, 1981); and

(3) is rehired after April 30, 1977, by the same employer.

(e) A police officer or firefighter does not become a member of the

1 1977 fund and is not covered by this chapter if the police officer or
2 firefighter:

- 3 (1) was hired before May 1, 1977;
- 4 (2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both
- 5 of which were repealed September 1, 1981);
- 6 (3) was rehired after April 30, 1977, but before February 1, 1979;
- 7 and
- 8 (4) was made, before February 1, 1979, a member of a 1925,
- 9 1937, or 1953 fund.

10 (f) A police officer or firefighter does not become a member of the
11 1977 fund and is not covered by this chapter if the police officer or
12 firefighter:

- 13 (1) was hired by the police or fire department of a unit before May
- 14 1, 1977;
- 15 (2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both
- 16 of which were repealed September 1, 1981);
- 17 (3) is rehired by the police or fire department of another unit after
- 18 December 31, 1981; and
- 19 (4) is made, by the fiscal body of the other unit after December
- 20 31, 1981, a member of a 1925, 1937, or 1953 fund of the other
- 21 unit.

22 If the police officer or firefighter is made a member of a 1925, 1937, or
23 1953 fund, the police officer or firefighter is entitled to receive credit
24 for all the police officer's or firefighter's years of service, including
25 years before January 1, 1982.

26 (g) As used in this subsection, "emergency medical services" and
27 "emergency medical technician" have the meanings set forth in
28 IC 16-18-2-110 and IC 16-18-2-112. A firefighter who:

- 29 (1) is employed by a unit that is participating in the 1977 fund;
- 30 (2) was employed as an emergency medical technician by a
- 31 political subdivision wholly or partially within the department's
- 32 jurisdiction;
- 33 (3) was a member of the public employees' retirement fund during
- 34 the employment described in subdivision (2); and
- 35 (4) ceased employment with the political subdivision and was
- 36 hired by the unit's fire department due to the reorganization of
- 37 emergency medical services within the department's jurisdiction;

38 shall participate in the 1977 fund. A firefighter who participates in the
39 1977 fund under this subsection is subject to sections 18 and 21 of this
40 chapter.

41 (h) A police officer or firefighter does not become a member of the
42 1977 fund and is not covered by this chapter if the individual was
43 appointed as:

- 44 (1) a fire chief under a waiver under IC 36-8-4-6(c); or
- 45 (2) a police chief under a waiver under IC 36-8-4-6.5(c);

46 unless the executive of the unit requests that the 1977 fund accept the
47 individual in the 1977 fund and the individual previously was a

1 member of the 1977 fund.

2 (i) A police matron hired or rehired after April 30, 1977, and before
3 July 1, 1996, who is a member of a police department in a second or
4 third class city on March 31, 1996, is a member of the 1977 fund.

5 (j) A park ranger who:

6 (1) completed at least the number of weeks of training at the
7 Indiana law enforcement academy or a comparable law
8 enforcement academy in another state that were required at the
9 time the park ranger attended the Indiana law enforcement
10 academy or the law enforcement academy in another state;

11 (2) graduated from the Indiana law enforcement academy or a
12 comparable law enforcement academy in another state; and

13 (3) is employed by the parks department of a city having a
14 population of more than one hundred twenty thousand (120,000)
15 but less than one hundred fifty thousand (150,000);

16 is a member of the fund.

17 (k) Notwithstanding any other provision of this chapter, a police
18 officer or firefighter:

19 (1) who is a member of the 1977 fund before a consolidation
20 under IC 36-3-1-5.1 or IC 36-3-1-6.1;

21 (2) whose employer is consolidated into the consolidated law
22 enforcement department or the fire department of a consolidated
23 city under IC 36-3-1-5.1 or IC 36-3-1-6.1; and

24 (3) who, after the consolidation, becomes an employee of the
25 consolidated law enforcement department or the consolidated fire
26 department under IC 36-3-1-5.1 or IC 36-3-1-6.1;

27 is a member of the 1977 fund without meeting the requirements under
28 sections 19 and 21 of this chapter.

29 (l) Notwithstanding any other provision of this chapter, if:

30 (1) before a consolidation under IC 8-22-3-11.6, a police officer
31 or firefighter provides law enforcement services or fire protection
32 services for an entity in a consolidated city;

33 (2) the provision of those services is consolidated into the law
34 enforcement department or fire department of a consolidated city;
35 and

36 (3) after the consolidation, the police officer or firefighter
37 becomes an employee of the consolidated law enforcement
38 department or the consolidated fire department under
39 IC 8-22-3-11.6;

40 the police officer or firefighter is a member of the 1977 fund without
41 meeting the requirements under sections 19 and 21 of this chapter.

42 **(m) Notwithstanding any other provision of this chapter, a**
43 **firefighter who:**

44 **(1) as of December 31, 2012, is a member of the 1977 fund as**
45 **a firefighter with a township fire department within a county;**
46 **and**

47 **(2) after the dissolution of township government under**

1 **IC 36-6-1.1 becomes a member of the county fire department;**
 2 **is a member of the 1977 fund without meeting the requirements**
 3 **under sections 19 and 21 of this chapter. A firefighter described in**
 4 **this subsection is entitled to receive credit for all years of service as**
 5 **a member of the 1977 fund before becoming a member of the**
 6 **county fire department.**

7 ~~(m)~~ **(n)** A police officer or firefighter who is a member of the 1977
 8 fund under subsection (k), ~~or~~ (l), **or (m)** may not be:

- 9 (1) retired for purposes of section 10 of this chapter; or
 10 (2) disabled for purposes of section 12 of this chapter;
 11 solely because of a change in employer under the consolidation.

12 SECTION 18. IC 36-8-13-1, AS AMENDED BY P.L.227-2005,
 13 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JULY 1, 2009]: Sec. 1. This chapter applies to:

- 15 **(1) before January 1, 2013, all townships; and**
 16 **(2) after December 31, 2012, a township in which the voters**
 17 **have not voted under IC 36-6-1.2 to eliminate township**
 18 **government.**

19 However, this chapter does not apply to a township in which the fire
 20 department of the township has been consolidated under IC 36-3-1-6.1.

21 SECTION 19. IC 36-8-13.6 IS ADDED TO THE INDIANA CODE
 22 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 23 JULY 1, 2009]:

24 **Chapter 13.6. County Fire Protection and Emergency Services**

25 **Sec. 1. After December 31, 2012, in a township in which the**
 26 **voters have voted under IC 36-6-1.2 to eliminate township**
 27 **government, the township's duties and powers concerning fire**
 28 **protection are transferred to the county.**

29 **Sec. 2. In a township in which the voters have voted under**
 30 **IC 36-6-1.2 to eliminate township government, the county has the**
 31 **same duties and powers as specified in IC 36-8-13 for a township.**

32 SECTION 20. IC 36-10-7-1 IS AMENDED TO READ AS
 33 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. **(a) Subject to**
 34 **subsection (b),** this chapter applies to the townships indicated in each
 35 section.

36 **(b) After December 31, 2012, in a township in which the voters**
 37 **have voted under IC 36-6-1.2 to eliminate township government,**
 38 **all powers and duties related to parks and recreation that are**
 39 **imposed by this chapter are transferred to the county executive.**

40 SECTION 21. IC 36-10-7.5-1 IS AMENDED TO READ AS
 41 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. **(a) Except as**
 42 **provided in subsection (b),** this chapter applies to all townships.

43 **(b) After December 31, 2012, in a township in which the voters**
 44 **have voted under IC 36-6-1.2 to eliminate township government,**
 45 **all powers and duties of a township related to parks and recreation**
 46 **are transferred to the county executive.**

47 SECTION 22. [EFFECTIVE JULY 1, 2009] **(a) The department**

1 of local government finance shall adjust maximum permissible
 2 property tax levies and property tax rates of units of local
 3 government as necessary to account for transfers of duties, powers,
 4 and obligations under this act.

5 (b) This SECTION expires January 1, 2014.

6 SECTION 23. [EFFECTIVE JULY 1, 2009] (a) The legislative
 7 services agency shall prepare, as directed by the legislative council,
 8 legislation for introduction in the 2010 regular session of the
 9 general assembly to organize and correct statutes affected by this
 10 act, if necessary.

11 (b) This SECTION expires July 1, 2010."

12 Delete pages 2 through 10.

13 Renumber all SECTIONS consecutively.

(Reference is to SB 512 as printed February 20, 2009.)

Senator KENLEY